

Mark Drakeford AM  
Cabinet Secretary for Finance

19 June 2018

Dear Mark

The **Intergovernmental Agreement on the Withdrawal Bill** states that the UK Government commits to not bringing forward legislation that would alter areas of policy for England in so far as the devolved legislatures are prevented from doing so as a result of restrictions imposed on their competence by UK Ministers under powers in the European Union (Withdrawal) Bill (“the Bill”).

A new clause proposed by Sir Oliver Letwin MP during the House of Commons’ consideration of Lords amendments which relates to the maintenance of environmental principles and was supported by the UK Government, requires the Secretary of State to publish a draft Bill within six months of the Bill being passed. Should restrictions in relation to the environment be imposed on the National Assembly’s devolved competence between the Bill coming into force and a draft environment Bill being published, the UK Government could potentially be in breach of the assurances made in the Intergovernmental Agreement by bringing forward legislation in a policy area subject to restrictions.

During consideration of Commons reasons and amendments yesterday afternoon, the House of Lords agreed with the Commons in their amendment 3A, as originally proposed by Sir Oliver Letwin.

I would be grateful if you could:

- let the Committee know whether the Welsh Government has been involved in discussions with the UK Government on the implications of the amendment; and
- clarify whether in your view the amendment has the potential to breach the Intergovernmental Agreement.



I am copying this letter to the Chair of the External Affairs and Additional Legislation Committee.

Yours sincerely,

A handwritten signature in black ink that reads "Mick Antoniw". The signature is written in a cursive style with a horizontal line underneath the name.

**Mick Antoniw**

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.  
We welcome correspondence in Welsh or English.

